

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

|  |   |                     |
|--|---|---------------------|
| UNITED STATES OF AMERICA, <i>ex rel.</i> | ) |                     |
| CURTIS J. LUSBY,                         | ) |                     |
|  | ) |                     |
| Plaintiff,                               | ) |                     |
|  | ) |                     |
| v.                                       | ) | 1:03-cv-680-SEB-WGH |
|  | ) |                     |
| ROLLS-ROYCE CORPORATION,                 | ) |                     |
|  | ) |                     |
| Defendant.                               | ) |                     |

**ORDER ON RELATOR'S MOTION TO COMPEL**

This matter is before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, on a Motion to Compel filed by the Relator, United States of America ex rel. Curtis Lusby ("Relator"), on June 15, 2011. (Docket Nos. 226). Defendant, Rolls-Royce Corporation (Rolls-Royce), filed its Opposition to Relator's Motion to Compel on July 5, 2011. (Docket No. 231). Relator's Reply was filed on July 20, 2011, along with a Sealed "Exhibit A" filed on July 27, 2011. (Docket Nos. 237, 240).

The Magistrate Judge, being duly advised, now issues the following orders:

1. **Modified First Request for Production No. 15:** The Motion to Compel is **GRANTED, in part**, and **DENIED, in part**. Rolls-Royce shall specify by Bates Stamp number all monthly MRB reports referenced in the QADI 800. In all other respects, the Motion to Compel is denied.

2. **Modified First Request for Production No. 20:** The Motion to Compel is **GRANTED, in part,** and **DENIED, in part.** Rolls-Royce is to produce any additional customer audits which have not been produced during the years 1996 and 1997, or certify that none are in existence, within fifteen (15) days of the date of this Order. In all other respects, the Motion to Compel is denied.

3. **Modified First Request for Production No. 21:** The Motion to Compel is **GRANTED, in part,** and **DENIED, in part.** Rolls-Royce shall provide copies of the items listed in Exhibit B to Relator's Reply (Docket No. 237) within fifteen (15) days of the date of this Order, or answer an interrogatory establishing why those documents do not currently exist or cannot be found. In all other respects, the Motion to Compel is denied.

4. **Modified First Request for Production No. 22:** The Motion to Compel is **DENIED.**

5. **Second Request for Production No. 10:** The Motion to Compel is **DENIED.**

6. **Modified First Interrogatories Nos. 11 and 12:** The Motion to Compel is **DENIED,** subject to Rolls-Royce providing a further definition of "nonconforming" within fifteen (15) days of the date of this Order.

7. **Modified First Interrogatories Nos. 13 and 14:** The Motion to Compel is **GRANTED, in part,** and **DENIED, in part.** For those individuals named in the answer to Interrogatory No. 14, Rolls-Royce shall provide appropriate last known address or contact information for those named individuals. To the extent

Rolls-Royce contends that those individuals are members of the control group, they must designate which of the individuals must be contacted through counsel.

8. **Modified First Interrogatories No. 16:** The Motion to Compel is **GRANTED** in that Rolls-Royce is directed to confirm via a written interrogatory response that the definition of “in its QADI” is a definition in “common usage” at Rolls-Royce. In all other respects, the Motion to Compel is denied.

9. **Modified First Interrogatories No. 24:** The Motion to Compel a further answer to Interrogatory No. 24 is **GRANTED**.

10. **Third Request for Production No. 1:** The Motion to Compel is **DENIED**.

11. **Third Request for Production No. 6:** The Motion to Compel is **DENIED**.

12. **Third Request for Production No. 9:** The Motion to Compel is **DENIED**.

Any responsive documents or interrogatory answers to be produced shall be served not later than fifteen (15) days from the date of this Order. Because the Motion to Compel is granted, in part, and denied, in part, no award of fees is warranted. The request for an extension of time to supplement the motion to compel is **DENIED, as moot**, in light of the date of this Order.

**SO ORDERED.**

**Dated:** August 8, 2011



William G. Hussmann, Jr.  
United States Magistrate Judge  
Southern District of Indiana

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